

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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ONEWEST BANK, N.A.,

Plaintiff,

- against -

USHA I. RAGHUNATH; SARRAN RAGHUNATH,
et al.,

Defendants.
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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

14-CV-3310 (RJD) (MDG)

DEARIE, District Judge

OneWest Bank, N.A. commenced this action pursuant to Article 13 of the New York Real Property Actions and Proceeding Law against defendants Usha I. Raghunath, Sarran Raghunath, Citimortgage, Inc., New York City Environmental Control Board, New York City Transit Adjudication Bureau, City Register of the City of New York, Queens County, and “John Doe,” to foreclose its mortgage encumbering 111-38 122nd Street, South Ozone Park, New York 11420. On October 17, 2014, the Clerk of the Court entered default against Usha I. Raghunath, Sarran Raghunath, New York City Environmental Control Board, and New York City Transit Adjustment Bureau. Plaintiff subsequently filed a motion for default judgment, which the Court referred to Magistrate Judge Marilyn D. Go on November 25, 2014.

On September 8, 2015, Judge Go issued a Report and Recommendation recommending that the Court grant plaintiff default judgment against Usha I. Raghunath and Sarraan Raghunath in the amount of \$485,285.19, plus interest at a daily rate of \$54.26 from July 2, 2015, through entry of judgment, comprising:

- (1) \$480,998.59 in damages;¹
- (2) costs in the amount of \$1,786.60; and
- (3) attorneys' fees in the amount of \$2,500.00.

ECF No. 32 at 17. In addition, Judge Go recommended that the Court:

order the foreclosure and sale of the mortgaged premises at 111-38 122nd Street, South Ozone Park, New York, and bar and foreclose Citimortgage, Inc., New York City Environmental Control Board, New York City Transit Adjudication Bureau, and City Register of the City of New York, Queens County from all right, title, claim, interest, lien and equity of redemption in the mortgaged premises.

Id. Finally, Judge Go recommended that the Court strike defendant "John Doe" from the complaint and appoint Stephanie S. Goldstone as referee. Id. at 16-17.

The Report and Recommendation provided that failure to file an objection by September 25, 2015, would preclude appellate review. Id. at 17. Defendants were mailed a copy of the Report and Recommendation on September 8, 2015. To date, no objections have been filed. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts Judge Go's September 8, 2015, Report and Recommendation as set forth therein, except for the following corrections to mathematical

¹ The damages calculation in the Report and Recommendation consists of the following: (a) \$312,527.20 in principal; (b) interest in the amount of \$125,336.75 through July 1, 2015; (c) payments advanced in the amount of \$43,737.17; (d) \$232.47 in late fees; and (e) \$717.00 in property inspection fees, preservation fees, and broker price opinion fees. ECF No. 32 at 17. As stated on page 12 of the Report and Recommendation, this amount should also be reduced by \$1,552.00 to reflect recoverable balance payments. Id. at 12.

and clerical errors: (1) the daily interest rate used to calculate the interest from July 2, 2015, through entry of judgment should be \$53.51, not \$54.26,² as stated on pages 10 and 17 of the Report and Recommendation; and (2) the costs awarded should be in the amount of \$1,686.60, not \$1,786.60,³ as stated on pages 16 and 17 of the Report and Recommendation. Accordingly, the Court grants plaintiff default judgment against Usha I. Raghunath and Sarraan Raghunath in the amount of \$485,185.19, plus interest at a daily rate of \$53.51 from July 2, 2015 through entry of judgment, comprising:

- (4) \$480,998.59 in damages;
- (5) costs in the amount of \$1,686.60; and
- (6) attorneys' fees in the amount of \$2,500.00.

Plaintiff shall file a proposed judgment in accordance with this order within ten (10) days hereof.

SO ORDERED.

Dated: Brooklyn, New York
September 29, 2015

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge

² Daily interest is calculated as follows: daily interest rate = (outstanding principal * interest rate per annum) / 365 days. Here, daily interest = (\$312,527.20 * .0625) / 365. The Court calculates this figure to be \$53.51, which matches the figure plaintiff used in its proposed judgment. See Proposed Judgment, ECF No. 27-4 at 2.

³ Plaintiff requested \$2,086.60 in costs and disbursements, but Judge Go recommended that the \$400 in statutory costs pursuant to the C.P.L.R. not be awarded. Id. at 15. Accordingly, the costs awarded should be in the amount of \$2,086.60 - \$400, or \$1,686.60.